

FIRST REGULAR SESSION

HOUSE BILL NO. 821

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROSS.

1393H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 444 and 640, RSMo, by adding thereto two new sections relating to the sale of certain lands acquired through legal settlements, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 444 and 640, RSMo, are amended by adding thereto two new sections, to be known as sections 444.1000 and 640.780, to read as follows:

444.1000. 1. There is hereby created the "Land Reclamation Legal Settlement Commission", which shall be composed of four members, with one being the chair of the Southeast Missouri Regional Planning Commission, one being the vice chair of the Southeast Missouri Regional Planning Commission, one being the chair of the Ozark Foothills Regional Planning Commission, and one being the chair of the Meramec Regional Planning Commission. The purpose of the commission shall be to develop and implement a plan for primary restoration projects for areas affected by lead mining in southeast Missouri that lead to the legal settlement between ASARCO, L.L.C., the United States, the state of Missouri, and the Doe Run Company in 2008. Such plan shall be submitted to the chair of the Missouri house of representatives committee on budget and the chair of the Missouri senate appropriations committee by February 2, 2018. Moneys from the land reclamation legal settlement fund created in subsection 2 of this section shall be used to implement the commission's plan for primary restoration projects for areas affected by lead mining in southeast Missouri.

2. There is hereby created in the state treasury the "Land Reclamation Legal Settlement Fund", which shall consist of moneys derived from the department of natural resources' sale of land required under section 640.780. The state treasurer shall be

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
19 may approve disbursements. The fund shall be a dedicated fund and moneys in the fund
20 shall be used solely for the purpose of implementing the commission's plan for primary
21 restoration projects for areas affected by lead mining in southeast Missouri.
22 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
23 in the fund at the end of the biennium shall not revert to the credit of the general revenue
24 fund. The state treasurer shall invest moneys in the fund in the same manner as other
25 funds are invested. Any interest and moneys earned on such investments shall be credited
26 to the fund.

640.780. 1. The department of natural resources and all other state departments,
2 agencies, or entities shall sell at public auction, provided that such requirement to sell at
3 public auction does not conflict with any other provision of law, any and all property
4 interest to land purchased on or before August 28, 2017, through funds acquired through
5 the legal settlement between ASARCO, L.L.C., the United States, the state of Missouri, and
6 the Doe Run Company in 2008 and administered in whole or in part by the department of
7 natural resources. If there is no purchaser, the property shall revert to the ownership of
8 the county government in which the property is located.

9 2. Any agreement, condition, restriction, dedication, covenant, or other
10 encumbrance included in the conveyance of land required in subsection 1 of this section
11 shall be considered null, void, and unenforceable upon the effective date of this section.

12 3. As a condition of the sale of this property, the purchaser shall agree to the
13 following covenant appurtenant, which shall be included in the conveyance following the
14 property description and shall remain in effect on this property for a specifically limited
15 amount of time as any agency of the state of Missouri exists to permit, restrict, regulate,
16 and otherwise harass Missouri citizens and businesses, for the purported purpose of
17 environmental restoration, preservation, and protection:

18 "Provided that this property shall never be sold to, leased, or otherwise controlled by a
19 state or federal agency."

20 4. After August 28, 2017, the department of natural resources and all other state
21 departments, agencies, or entities shall not purchase any property interest through legal
22 settlement funds acquired through the legal settlement between ASARCO, L.L.C., the
23 United States, the state of Missouri, and the Doe Run Company in 2008 and administered
24 in whole or in part by the department of natural resources.

25 5. Any taxpayer of the state shall have standing to enforce the provisions of this
26 section and, in addition to specific performance, shall be entitled to reasonable attorney's
27 fees.

28 **6. The provisions of this section shall be construed to include any leasehold, option**
29 **contracts, or easement rights acquired by any state department, agency, or entity.**

30 **7. The provisions of this section are severable. If any part of this section is declared**
31 **invalid or unconstitutional, it is the intent of the legislature that the remaining portions of**
32 **this section shall remain and be in full force and effect.**

33 **8. The provisions of this section shall expire on August 28, 2018.**

Section B. Because of the timely nature of the state seeking to recover assets to reallocate
2 for environmental remediation, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and section A of this act shall be in full
5 force and effect upon its passage and approval.

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